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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,868

03/04/2005

Maarten Peter Bodlaender

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07/25/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LEWIS, JONATHAN V

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,868	<b>Applicant(s)</b> BODLAENDER, MAARTEN PETER	
	<b>Examiner</b> JONATHAN LEWIS	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to applicant's amendment filed April 7, 2008. Claims 1-20 are still pending in the present application. **This action is made FINAL.**

### ***Response to Arguments***

Applicant's arguments filed April 7, 2008 have been fully considered but they are not persuasive. The local database is in fact disclosed within Van Stam. Examiner interprets the server, in the client-server relationship, which holds the preference data as the local database, and it is disclosed in the summary of the invention that it holds the preference data for a community of users.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art Van Stam (WO 01/46843).

Regarding claim 1, Van Stam teaches a user terminal for a network (Fig. 1, 11 shows the user terminal, referred to as the client), the user terminal comprising: a local database comprising community preference information related to preferences of a community of users (Abstract discloses this claim limitation, where the local database is the lists stored within the client); a processor for determining if a communication with a

second user terminal is possible (page 4, lines 8-13 disclose this functionality, and it is inherent to have a processor perform this function because it is not possible to do without one); a receiver for receiving community preference information from the second user terminal if communication is possible (page 6, lines 10-13); a database controller for updating the database of community preference information in response to the received community preference information (page 7, lines 2-8 discloses the update in response to preference information); a recommendation processor for generating a recommendation in response to the community preference information of the local database (page 7, lines 4-5 discloses the recommendation/suggestion).

Regarding claim 2, Van Stam teaches a user terminal as claimed in claim 1 wherein the community preference information relates to media clips and the recommendation is of a media clip (page 5, line 16).

Regarding claim 3, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal is a wireless user (page 4, lines 27-28).

Regarding claim 4, Van Stam teaches a user terminal as claimed in claim 1 wherein the communication with the second user terminal is over a direct wireless link between the user terminal and the second user (page 4, lines 27-28; lines 34-36).

Regarding claim 5, Van Stam teaches a user terminal as claimed in claim 1 wherein the local database is operable to comprise community preference information related to the whole community is stored (page 5, lines 25-30).

Regarding claim 6, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal is operable to communicate community preference

information from the local database to the second user terminal if communication with the second user terminal is possible (page 6, lines 21-26).

Regarding claim 7, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal is operable to communicate with the second user terminal using a peer to peer protocol (page 5, lines 32-37).

Regarding claim 8, Van Stam teaches a user terminal as claimed in claim 1 wherein the received community preference information comprises time information and the database controller is operable to update the community preference information of the local database in response to this time information (page 7, lines 2-4 disclose the time information with the recording history, and the update is the changing of the list).

Regarding claim 9, Van Stam teaches a user terminal as claimed in claim 1 wherein the community preference information comprises a user rating (page 5, line 18).

Regarding claim 10, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal further comprises means for communicating the recommendation to another user terminal (page 6, lines 21-26).

Regarding claim 11, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal further comprises an interface for receiving community preference information from the Internet (page 4, lines 22-23).

Regarding claim 12, Van Stam teaches a user terminal as claimed in claim 1 wherein the user terminal comprises a priority controller for determining a priority of

elements of the community preference information and a transmitter for communicating this priority to the second user terminal (page 7, lines 33-38).

Regarding claim 13 (Currently Amended), Van Stam teaches a user terminal as claimed in claim 1 wherein the received community preference information is received in a prioritized order (page 7, lines 10-29).

Regarding claim 14, Van Stam teaches a network comprising at least one user terminal as claimed in claim 1 (Fig. 1).

Regarding claim 15, Van Stam teaches a data network as claimed in claim 14 wherein the data network is a peer to peer data network (Fig. 2).

Regarding claim 16, Van Stam teaches a data network as claimed in claim 14 wherein the data network comprises a plurality of wireless user terminals according to claim 6, and wherein at least one of the plurality of wireless user terminals are operable to receive community preference information from a fixed network and distribute the community preference information from the fixed network to other wireless user terminals (page 4, lines 27-28).

Regarding claim 17, Van Stam teaches a data network as claimed in claim 16 wherein the fixed network is the Internet (page 4, lines 22-23).

Regarding claim 18, Van Stam teaches a data network as claimed in claim 16 wherein the at least one wireless user terminal is operable to distribute the community preference information from the fixed network while disconnected from the fixed network (page 8, lines 9-20 disclose the systems are in parallel with each other, operable separately).

Method and computer readable medium claims 19-20 are rejected for the same reasons as stated above in the corresponding apparatus and system claims.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623